

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MOTTERLINI et al.

Atty. Ref.: 620-370

Serial No. 10/535,226

Group: 1614

Filed: May 17, 2005

Examiner: Unknown

For: THERAPEUTIC DELIVERY OF CARBON MONOXIDE

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 17, 2006

Sir:

**INFORMATION DISCLOSURE STATEMENT**

- ☒ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**  
[within 3 months of filing or prior to 1st Office Action on the merits]  
N/C
- ☐ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
N/C
- ☐ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
\$180.00
- ☐ 3. **Pursuant to 37 CFR 1.97(d)**  
[after Final Office Action or Allowance (requires Rule 97(e)  
Statement and Rule 17(p) fee), but before final fee payment]  
\$180.00

The following are submitted in the above-identified application in compliance with  
37 C.F.R. §§ 1.97 and 1.98:

- ☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith.

This paper is submitted in accordance with:

- ☒ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☐ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
- ☐ a) The required Statement made in item 8 below; or
- ☐ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- ☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
- ☐ b) The required Statement is stated in item 8 below.
- ☐ 8. Statement under 37 CFR 1.97(e)
- ☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or
- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

- ☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,  
NIXON & VANDERHYTE P.C.

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**INFORMATION DISCLOSURE  
CITATION**

ATTY. DOCKET NO.

SERIAL NO.

620-370

10/535,226

APPLICANT

MOTTERLINI et al.

(Use several sheets if necessary)

FILING DATE

GROUP

May 17, 2005

1614

**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----------------|------|------|-------|----------|-------------------------------|
|                      |                 |      |      |       |          |                               |
|                      |                 |      |      |       |          |                               |
|                      |                 |      |      |       |          |                               |

**FOREIGN PATENT DOCUMENTS**

|  |    | DOCUMENT     | DATE    | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|--|----|--------------|---------|---------|-------|----------|-------------|----|
|  |    |              |         |         |       |          | YES         | NO |
|  | 56 | WO 02/078684 | 10/2002 | WIPO    |       |          |             |    |
|  | 57 | WO 03/000114 | 01/2003 | WIPO    |       |          |             |    |
|  | 58 | WO 03/066067 | 08/2003 | WIPO    |       |          |             |    |
|  | 59 | WO 03/072024 | 09/2003 | WIPO    |       |          |             |    |
|  | 60 | WO 03/088923 | 10/2003 | WIPO    |       |          |             |    |
|  | 61 | WO 03/088981 | 10/2003 | WIPO    |       |          |             |    |
|  | 62 | WO 03/094932 | 11/2003 | WIPO    |       |          |             |    |
|  |    |              |         |         |       |          |             |    |
|  |    |              |         |         |       |          |             |    |

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

|  |    |  |
|--|----|--|
|  | 63 | Sacks, P. V. et al.; "Comparative bioavailability of elemental iron powders for repair of iron deficiency anemia in rats. Studies of efficacy and toxicity of carbonyl iron"; The American Journal of Clinical Nutrition; 1978; 31;566-73                    |
|  | 64 | Huebers, H. A. et al.; "Absorption of carbonyl iron"; J. Lab. Clin. Med.; 1986; 108; 473-8   |
|  | 65 | Gordeuk, V. P. et al; "Carbonyl Iron Therapy for Iron Deficiency Anemia"; Blood; 1986; 67(3); 745-752  |
|  | 66 | Durante W.; "Heme Oxygenase-1 in Growth Control and its Clinical Application to Vascular Disease"; J. Cell. Physiol.; 2003; 195; 373-82  |
|  | 67 | Motterlini, R. et al.; "Characterization of vasoactive effects elicited by carbon monoxide-releasing molecules."; Journal of Vascular Research, Abstracts, 8 <sup>th</sup> International Symposium on Mechanisms of Vasodilation; May 31 – June 3, 2001; 055 |
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|-----------|-----------------|
| *Examiner | Date Considered |
|-----------|-----------------|

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.  
Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)